

## Environmental Regulatory Authorities for Selected Major DOE Facilities

| <b>Statute<sup>1</sup></b><br><b>State/Facility</b> | <b>RCRA</b> |           |           | <b>CERCLA</b> | <b>CAA<sup>2</sup></b>             | <b>SDWA<sup>3</sup></b>      | <b>CWA</b>                                   | <b>TSCA</b> |
|---|-------------|-----------|-----------|---------------|------------------------------------|------------------------------|--|-------------|
| CA/LBNL   | <b>BA</b>   | <b>CA</b> | <b>MW</b> | *CA           | CA<br>(EPA Rad<br>NESHAP)          | Joint CA<br>and EPA<br>(UIC) | CA<br>(except<br>sludge)                     | EPA         |
|   | CA          | CA        | CA        |               |                                    |                              |  |             |
| CA/LLNL   | CA          | CA        | CA        | EPA           | CA<br>(EPA Rad<br>NESHAP)          | Joint CA<br>and EPA<br>(UIC) | CA<br>(except<br>sludge)                     | EPA         |
| CO/RF   | CO          | CO        | CO        | EPA           | CO<br>(EPA Rad<br>NESHAP)          | Joint CA<br>and EPA<br>(UIC) | EPA  | EPA         |
| ID/INEEL  | ID          | ID        | ID        | EPA           | ID<br>(EPA Rad<br>NESHAP)          | ID<br>(UIC)                  | EPA  | EPA         |
| IL/Argonne  | IL          | IL        | IL        | *IL           | IL<br>(EPA Rad<br>NESHAP)          | IL<br>(UIC)                  | IL<br>(except<br>pretreatment<br>and sludge) | EPA         |
| KY/Paducah  | KY          | KY        | KY        | EPA           | KY<br>(EPA Rad<br>NESHAP)          | EPA<br>(UIC)                 | KY<br>(except<br>sludge)                     | EPA         |
| NM/LANL   | NM          | NM        | NM        | **NM          | NM<br>(EPA Rad<br>NESHAP)          | NM<br>(UIC)                  | EPA  | EPA         |
| NM/Sandia   | NM          | NM        | NM        | *NM           | NM<br>(EPA Rad<br>NESHAP)          | NM<br>(UIC)                  | EPA  | EPA         |
| NM/WIPP   | NM          | NM        | NM        | *NM           | NM<br>(EPA Rad<br>NESHAP)          | NM<br>(UIC)                  | EPA  | EPA         |
| NY/BNL  | NY          | NY        | NY        | EPA           | NY<br>(including<br>Rad<br>NESHAP) | EPA<br>(UIC)                 | NY<br>(except<br>pretreatment<br>and sludge) | EPA         |
| NY/WV   | NY          | NY        | NY        | *NY           | NY<br>(including<br>Rad<br>NESHAP) | EPA<br>(UIC)                 | NY<br>(except<br>pretreatment<br>and sludge) | EPA         |
| NV/NTS  | NV          | NV        | NV        | ***NV         | NV<br>(EPA Rad<br>NESHAP)          | NV<br>(UIC)                  | NV<br>(except<br>pretreatment<br>and sludge) | EPA         |

|               |    |      |    |     |  |              |                          |     |
|---------------|----|------|----|-----|--|--------------|--------------------------|-----|
| OH/Portsmouth | OH | OH   | OH | *OH | OH<br>(EPA Rad<br>NESHAP)  | OH<br>(UIC)  | OH<br>(except<br>sludge) | EPA |
| OH/FEMP       | OH | OH   | OH | EPA | OH<br>(EPA Rad<br>NESHAP)  | OH<br>(UIC)  | OH<br>(except<br>sludge) | EPA |
| SC/SRS        | SC | SC   | SC | EPA | SC<br>(including<br>Rad<br>NESHAP)   | SC<br>(UIC)  | SC<br>(except<br>sludge) | EPA |
| TN/ORR        | TN | ---- | TN | EPA | TN<br>(including<br>Rad<br>NESHAP)   | EPA<br>(UIC) | TN<br>(except<br>sludge) | EPA |
| TX/Pantex     | TX | TX   | TX | EPA | TX<br>(EPA Rad<br>NESHAP)  | TX<br>(UIC)  | TX<br>(except<br>sludge) | EPA |
| WA/Hanford    | WA | WA   | WA | EPA | WA<br>(process to<br>gain Rad<br>NESHAP<br>authority has<br>begun but<br>EPA will<br>have<br>authority<br>until process<br>complete) | WA<br>(UIC)  | EPA                      | EPA |

#### Key

#### Endnotes

1. Under a number of environmental statutes EPA can delegate/authorize a State to manage particular aspects of an environmental program. In those instances where a State has not been delegated/authorized to manage a particular environmental program, EPA manages the program. There are also some environmental programs that EPA does not or cannot delegate/authorize the State to manage. Therefore, depending upon the statute EPA could retain authority over the entire program, delegate/authorize the State to manage some programs, or delegate/authorize the State to manage all programs.
2. A key regulatory program of the Clean Air Act (CAA) is the requirement that States develop State implementation plans (SIPs), which when complied with would enable all areas in the State to attain and maintain the National Ambient Air Quality Standards for criteria pollutants (sulfur dioxide, particulate matter, nitrogen dioxide, carbon monoxide, ozone and lead). All of the States in the table have SIPs approved by EPA (with some exceptions to certain provisions identified in 40 CFR Part 52 for each State). There are other regulatory programs established under the CAA in which EPA must approve State rules and requirements for implementing the program. One example of such a program is the State air operating permit program and the corresponding EPA regulations in 40 CFR Part 70. In addition, there are CAA regulatory programs for which States have the discretion to request approval from EPA to run the program. An example of such a program is the Radionuclide National Emission Standards for Hazardous Air Pollutants (NESHAP) program (40 CFR Part 61, Subpart H). Only a few states have been delegated authority by EPA to run the Radionuclide NESHAP program and these states are identified in the table. Additional data collection is needed to develop a comprehensive list of state programs approved by EPA.
3. All the States in the table have been granted primacy by EPA for the public water system program under the SDWA. A separate delegation is needed from EPA for a State to implement the Underground Injection Control program. The table lists those States that have been given full authority or joint authority by EPA.

## **Statute Abbreviations**

RCRA = Resource Conservation and Recovery Act  
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act  
CAA = Clean Air Act  
SDWA = Safe Drinking Water Act  
CWA = Clean Water Act  
TSCA = Toxic Substances Control Act

## **Facility Abbreviations**

Argonne = Argonne National Laboratory  
BNL = Brookhaven National Laboratory  
FEMP = Fernald Environmental Management Project  
Hanford = Hanford Site  
INEEL = Idaho National Engineering and Environmental Laboratory  
LANL = Los Alamos National Laboratory  
LBNL = Lawrence Berkeley National Laboratory  
LLNL = Lawrence Livermore National Laboratory  
Paducah = Paducah Gaseous Diffusion Plant  
Pantex = Pantex Plant  
Portsmouth = Portsmouth Gaseous Diffusion Plant  
NTS = Nevada Test Site  
RF = Rocky Flats  
Sandia = Sandia National Laboratory  
SRS = Savannah River Site  
WIPP = Waste Isolation Pilot Plant  
ORR = Oak Ridge Reservation  
WV = West Valley Demonstration Project

## **RCRA Abbreviations**

BA= State has Basic Authorization from EPA to run its basic RCRA Program  
CA= State has specific Corrective Action Authorization to run the corrective action program  
MW = State has specific Mixed Waste Authorization to regulate mixed waste

## **Other Abbreviations**

EPA = U.S. Environmental Protection Agency  
Rad = Radionuclide  
NESHAP = National Emission Standards for Hazardous Air Pollutants  
UIC = Underground Injection Control Program

## **Symbol Definitions**

\* = site not on the National Priorities List under CERCLA, but environmental remediation activities are conducted under State RCRA authority.  
\*\* = site not on the National Priorities List under CERCLA, but environmental remediation activities are conducted under State RCRA authority. However, CERCLA guidelines for remediation are followed for remediating project sites that contain hazardous substances not covered by RCRA.  
\*\*\* = site not on the National Priorities List under CERCLA. However, to address environmental restoration activities for different parts of the site, NTS entered into an agreement with the State of Nevada and DOD pursuant to CERCLA 120 (a)(4) which provides that state law shall apply to removal and remedial actions for federal facilities not on the NPL and RCRA 3004 (u) which governs continuing releases at permitted facilities.  
---- = State believes that it has adopted a rule that is analogous to the federal rule, but EPA has not yet authorized the state program

## Sources

1. Office of Solid Waste, Environmental Protection Agency, "State Authorization", <http://www.epa.gov/epaoswer/hazwaste/state/index.htm> (data as of 09/30/00)
2. Office of Solid Waste, Environmental Protection Agency, U.S. Map Showing Authorization Status of Key RCRA/HSWA Rules, <http://www.epa.gov/epaoswer/hazwaste/state/authstat.htm>, click on Corrective Action (data as of 09/30/00)
3. Office of Solid Waste, Environmental Protection Agency, U.S. Map Showing Authorization Status of Key RCRA/HSWA Rules, <http://www.epa.gov/epaoswer/hazwaste/state/authstat.htm>, click on Mixed Waste (data as of 09/30/00)
4. Office of Water, Environmental Protection Agency, <http://www.epa.gov/safewater/uic/primacy.html> (updated 06/15/00)
5. Office of Water, Environmental Protection Agency, "NPDES Permit Program Frequently Asked Questions", <http://www.epa.gov/owm/faq.htm> (updated 09/16/98)

Last Update: February 6, 2001  
Point of Contact: Beverly Stephens at  
[beverly.stephens@eh.doe.gov](mailto:beverly.stephens@eh.doe.gov) or (202)586-5942